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EXAMINER
CHOUFES

ART. UNIT	PAPER NUMBER
24M1	

DATE MAILED: 07/21/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/795,905

Applicant(s)
Grube et al.

Examiner
Jack M. Choules

Group Art Unit
2307



☒ Responsive to communication(s) filed on Feb 5, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 28-42 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 28-42 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 28-42 are presented for examination claims 1-27 having been canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 28-30, 33, and 36-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Dev et al. US Patent No. 5,504,921.

4. As to claim 28, 36, 37, and 38, Dev teaches data processing system [DP] comprising "a host computer" (col. 4, lines 16-32) ; "receiving, from the remote computer" (col. 4, lines 45-65, col. 5, lines 39-52, and col. 6, lines 44-65); "determining" (col. 7, lines 57-67); and "transmitting" (col. 4, lines 45-51 and col. 7, lines 57-67).

5. As to claim 29 and 39, Dev teaches "information indicating a hardware platform" (col. 4, line 56-col. 5, line 35).

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6. As to claim 30 and 40, Dev teaches "information indicating a software applications" (col. 4, line 56-col. 5, line 35).

7. As to claim 33 and 41, Dev teaches "information related to statistical use" (col. 7, lines 57-67).

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 28-42 are rejected under 35 U.S.C. § 103 as being unpatentable over Shing et al. (hereafter Shing), patent no. 5,495,610, in view of Dev et al. (hereafter Dev). patent no. 5,504,921.

10. As to claims 28, 36, 37, and 38, Shing describes a DP system that includes "a host computer" (col. 5, lines 6-44); "determining" (col. 4 , lines 16-22); and "transmitting" (col. 4 , lines 16-22).

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11. Shing does not detail "receiving, from the remote computer" or the steps of "receiving" and "transmitting" being "via a radio communication device". Dev describes "receiving, from the remote computer" (col. 4, lines 45-65, col. 5, lines 39-52, and col. 6, lines 44-65) and "via a radio communication device" (col. 4, lines 45-51).

12. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Dev and Shing because Shing includes a data base which contains information related to the configuration of remote computers and inherently this data must be collected to become part of the database, Dev provides the information needed by the database automatically and efficiently and provides for the possibility of efficient remote communication via radio communication, completing and improving the versatility of the DP system.

13. As to claim 29 and 39, Shing taught "information indicating a hardware platform" (col. 7, lines 19-34), Dev also taught "information indicating a hardware platform" (col. 4, line 56-col. 5, line 35).

14. As to claim 30 and 40, Shing taught "information indicating a software applications" (col. 7, lines 19-34), Dev also taught "information indicating a software applications" (col. 4, line 56-col. 5, line 35).

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15. As to claim 31, Shing provides "bug fixes" (col.16, lines 3-55, and col. 22, lines 29-col. 23, line 35).

16. As to claim 32, Shing provides "updates" (col. 4 , lines 16-22).

17. As to claim 33 and 41, Dev teaches "information related to statistical use" (col. 7, lines 57-67).

18. As to claim 34, Dev details providing "statistical information" after filtering with predefined filter parameters (col. 7, lines 57-67). One of skill in the art would realize that these filters could be set up to pass information relevant to marketing and doing so would provide useful information for marketing reports.

19. As to claim 35 and 42, the examiner takes official notice that multiple server systems are well known in the art. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to extend the system of Dev. and Shing to a plurality of computer networks by distributing the management of the network among the separate clusters of computers (see Dev fig. 2 and Shing fig. 1) by having a "server" for each cluster that maintained that cluster as a network and forwarded information to the overall management system as that

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would allow greater expansion of the computer system as the management tasks would be distributed among multiple servers.

20. Claim 28-32 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. [hereafter Nonaka] US Patent No. 5,619,716 in view of Tseung, US Patent No. 5,036,518.

21. As to claims 28, 36, 37, and 38, Nonaka describes a DP system that includes "a host computer" (col.6, lines 36-44); "receiving" (col.6, line 65-col. 7, line 2 and col. 8, lines 62-67); "determining" (col.7, lines 2-12 and col. 8 line 65-col. 9, line 30); and "transmitting" (col. 7, lines 7-19 and col. 8, line 65-col. 9, line 30).

22. Nonaka does not detail the steps of "receiving" and "transmitting" being "via a radio communication device". Tseung describes "via a radio communication device" (col.13, lines 40-47; col. 35, lines 25-54; col. 40, lines 52-66; and col 42, lines 52-67).

23. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Tseung and Nonaka because Tseung provides for the possibility of efficient remote communication via radio communication, completing and improving the versatility of the DP system.

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24. As to claim 29 and 39, Nonaka teaches "information indicating a hardware platform" (col. 11, line 2-21).

25. As to claim 30 and 40, Nonaka teaches "information indicating a software applications" (col. 7, line 53-62).

26. As to claim 31, Nonaka provides "bug fixes" (col.8, lines 43-49) (see also Tseung col 42, lines 52-67).

27. As to claim 32, Nonaka provides "updates" (col. 8, lines 43-49) (see also Tseung col. 40, lines 52-66).

Specification

28. Applicant is advised that the summary is missing from the specification.

Summary: A brief summary or general statement of the invention that is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases, it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention. See 37 CFR 1.73 Summary of the invention.

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Response to Arguments

29. Applicant's arguments with respect to claim 28-42 have been considered but are moot in view of the new ground(s) of rejection. The examiner points out that some of the art used in the current rejections (Tseung Dev. and Shing) were used in the previous rejections the rejections above respond to the arguments presented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on Monday-Friday between 8:30 A.M. and 5:00 P.M. and on Monday and Wednesday until 7:00 P.M. E-mail may be sent to "jack.choules@uspto.gov", however, this is not an appropriate means to send official papers or information about an application.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached at (703) 305-9707. The fax phone number for this Art Unit is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Jack M. Choules

July 9, 1997



WAYNE AMSBURY
PRIMARY PATENT EXAMINER
GROUP 2300